

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MARC VEASEY, *et al.*,

Plaintiffs,

v.

RICK PERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)

UNITED STATES OF AMERICA,

Plaintiff,

TEXAS LEAGUE OF YOUNG VOTERS  
EDUCATION FUND, *et al.*,

Plaintiff-Intervenors,

TEXAS ASSOCIATION OF HISPANIC  
COUNTY JUDGES AND COUNTY  
COMMISSIONERS, *et al.*,

Plaintiff-Intervenors,

v.

STATE OF TEXAS, *et al.*,

Defendants.

Civil Action No. 2:13-cv-263 (NGR)

TEXAS STATE CONFERENCE OF NAACP  
BRANCHES, *et al.*,

Plaintiffs,

v.

NANDITA BERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-291 (NGR)

BELINDA ORTIZ, *et al.*,

Plaintiffs,

v.

STATE OF TEXAS, *et al.*,

Defendants

Civil Action No. 2:13-cv-348 (NGR)

**[Proposed] Order**

Having reviewed the United States' Motion to Compel the Production of Documents (ECF No. \_\_\_\_ ) and Defendants' Response thereto (ECF No. \_\_\_\_ ), the United States' Motion to Compel is **GRANTED**. Within seven days of the entry of this order, unless subject to an additional valid privilege, Defendants shall produce:

- All documents and electronically stored information (ESI) previously withheld on the basis of a state legislative privilege;
- All documents and ESI previously withheld on the basis of Section 323.017 of the Texas Government Code;
- All documents and ESI withheld on the basis of the attorney-client privilege based on an attorney-client relationship with an attorney not employed by the Office of the Attorney

General and that have been transmitted between the office of the Lieutenant Governor and the office of an individual legislator, the office of the Lieutenant Governor and the Texas Legislative Council, the offices of multiple individual legislators, or the office of an individual legislator and the Texas Legislative Council (TLC);<sup>1</sup> and

- All documents and ESI withheld on the basis of the attorney-client privilege that consist of political, strategic, or policy advice or that do not reflect client confidences.<sup>2</sup>

Within fourteen days of the entry of this order, unless subject to an additional valid privilege, Defendants shall produce:

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<sup>1</sup> This includes but is not limited to the following documents: TX\_00006129-30, TX\_00006134-35, TX\_00006160, TX\_00006535-74, TX\_00007076-78, TX\_0007912-25, TX\_00009917-68, TX\_00011956-58, TX\_00012729-34, TX\_00012944-53, TX\_00014012, TX\_00014920-21, TX\_00015831-36, TX\_00017894, TX\_00018646-50, TX\_00018855-57, TX\_00019173, TX\_00019291-94, TX\_00019377-92, TX\_00019770, TX\_00022254-61, TX\_00026295-302, TX\_00027374-85, TX\_00027868-84, TX\_00034438-41, TX\_00034455-60, TX\_00034469, TX\_00034473, TX\_00038296-300, TX\_00038302-04, TX\_00038306, TX\_00038308, TX\_00039551, TX\_00041842-45, TX\_00042138-44, TX\_00042146-47, TX\_00042289-308, TX\_00042440, TX\_00048694-98, TX\_00057320, TX\_00057627-44, TX\_76551, TX\_00078083-85, TX\_00078174, TX\_00078178-80, TX\_00078188, TX\_00078190-91, TX\_00078197, TX\_00081609-14, TX\_00085663-64, TX\_00086877, TX\_00086962, TX\_00086963-7006, TX\_00087306, TX\_00087309-11, TX\_00087391-94, TX\_00087397-98, TX\_00087792-805, TX\_00087830-31, TX\_00087837-41, TX\_00087898-943, TX\_00087980-8019, TX\_00088053-61, TX\_00090517, TX\_00090546, TX\_00090605-90, TX\_00090692-730, TX\_00090733-34, TX\_0009771-72, TX\_00090774-79, TX\_00091207-22, TX\_00091224-26, TX\_00091384-87, TX\_00091729, TX\_00091799-804, TX\_00092293-304, TX\_00092309-11, TX\_00092554, TX\_00101887-90, TX\_00204730, TX\_00206556-69, TX\_00206570-79, TX\_00251748-49, TX\_00251796-917, TX\_00254767-68, TX\_00254800-17, TX\_00254893, TX\_00254944-45, TX\_00260337-69.

<sup>2</sup> Defendants shall determine whether the following documents consist of political, strategic, or policy advice or do not reflect client confidences: TX\_00006129-30, TX\_00006134-35, TX\_00006160, TX\_0000653574, TX\_00007076-78, TX\_00008681-89, TX\_00009917-68, TX\_00011948-51, TX\_00011954-55, TX\_00011961-63, TX\_00011981, TX\_00012005-56, TX\_00012198-200, TX\_00012248-58, TX\_00014012, TX\_00017894, TX\_00018646-47, TX\_00018648-50, TX\_00018855-57, TX\_00019173, TX\_00019377-92, TX\_00019770, TX\_00021737-85, TX\_00022254-61, TX\_00026295-302, TX\_00027868-84, TX\_00034473, TX\_00038296-300, TX\_00038302-04, TX\_00038306, TX\_00038308, TX\_00042440, TX\_00057627-44, TX\_00076551, TX\_00081609-11, TX\_00086877, TX\_00086962-7006, TX\_00090478-79, TX\_00090509-14, TX\_00090731-32, TX\_00090741-58, TX\_00092293-92302, TX\_00092394-95, TX\_00092554, TX\_00204721-23, TX\_00204769-71, TX\_00206570-79.

- All documents and ESI in the possession of the Texas Legislative Council responsive to the United States' First Set of Requests for Production, including but not limited to email sent or received by Texas legislators or their staff contained on servers in the possession of the TLC and ESI stored on network drives maintained by the TLC and associated with the offices of Texas legislators, notwithstanding assertions of a state legislative privilege.

Also within fourteen days of the date of this order, Defendants must produce a revised privilege log concerning all documents and ESI that Defendants continue to withhold, based in whole or in part, on the attorney-client privilege where the attorney at issue is counsel for an individual legislator or the Lieutenant Governor. This privilege log must be sufficient to establish that the communication does not consist of political, strategic, or policy advice. To the extent that this privilege log is insufficient to establish the privilege, this Court shall entertain a renewed motion to compel on an expedited basis.

Within thirty days of production of all documents previously withheld, based in whole or in part, on a state legislative privilege, the United States may renew the instant motion and request that this Court compel deposition testimony from legislators claiming a state legislative privilege. The Court will assess the renewed motion based on the briefs already submitted and a new submission of documents that the United States claims warrant complete deposition discovery of particular legislators regarding the subjects of this litigation.

**SO ORDERED.**

Date:

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NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE